

Response dated January 17, 2006
Response to Office Action mailed 11/16/05

Application No. 10/614,313

REMARKS

The Office Action of November 16, 2005 has been reviewed and the comments therein were carefully considered. Claims 1-24 are currently pending. Claims 1-24 stand rejected. No new matter has been introduced into the application. Claims 20-23 have been amended. As explained in more detail below, Applicant submits that all claims are in condition for allowance and respectfully requests withdrawal of the rejections.

Applicant would like to thank the Examiner for taking time to speak with Applicant's representative and for explaining that the Examiner is not claiming that the invention as disclosed is unpatentable, but rather that the Examiner believed the claims as written and argued were not in condition for allowance.

Independent Claim 1 and Dependent Claims 2-17

Claim 1 is rejected under 35 USC §103(a) as being unpatentable over Wager, et al., in view of Campanella.

Based on the Examiner's response to Applicant's argument regarding the fact that Wager teaches away from using FEC codes, it appears that the position taken by Applicant in the response to the Office Action of June 7, 2005 was unclear. In the response, Applicant did not dispute the Office Action's statement that Campanella taught using FEC codes. Rather, Applicant respectfully disagrees that there is proper motivation to combine Wager with any teachings related to FEC codes because Wager states that the problems with FEC include the requirement of "the addition of redundant bit information within the transmitted bit stream." (Column 1, lines 39-41). Applicant respectfully asserts that because Wager teaches away from using FEC codes, combining Campanella with Wager would destroy the primary reference that teaches away from doing that which the combination of the two references would necessitate.

Furthermore, Applicant believes that claim 1 is allowable for at least the following additional reasons. Wager provides error correction during a soft handover process wherein a mobile station sends a plurality of versions of a single data block to a plurality of base transceiver stations, which then send the plurality of data blocks causing the data blocks to be received at a radio network control node. In claim 1 of the present application, bursts of data

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packets are broadcast from the base transceiver stations to a wireless terminal. Therefore, Wager discloses a method that is only possible in the uplink of a point to point transmission whereby the system includes one transmitter and several receivers. In contrast, claim 1 relates to a downlink whereby the system includes one receiver and several transmitters.

Additionally, Wager discloses use of a packet combining technique, requiring receipt of at least two copies of a data packet and the combination of at least two of the received versions of the data blocks to create a substantially error corrected version of the data block. Wager discloses a bit-level analysis to correct errors in the packet. Claim 1 of the present application relates to replacement of complete packets rather than bit-by-bit correction of packets received with errors and does not require two copies of the data to correct errors. Therefore, combining forward error correction with the invention disclosed in Wager would not result in the invention claimed in claim 1.

Applicant respectfully requests withdrawal of the rejection for at least these reasons. Dependent claims 2-17, which ultimately depend from independent claim 1, are allowable for at least the same reasons as independent claim 1.

Independent Claim 18 and Dependent Claim 19

Claim 18 is rejected under 35 USC §103(a) as being unpatentable over Willenegger in view of Schuster.

Schuster discloses communication of substantially real time media signals over the Internet using an error correction scheme. However, claim 18 of the present application is directed to "a wireless terminal that receives data from a wireless system . . ." (Emphasis Added). The Office Action states that "Schuster is relied on to disclose usage of FEC codes." However, Applicant respectfully asserts that although Schuster may disclose usage of FEC codes for error correction over the Internet, Schuster does not disclose using FEC codes to correct errors resulting from the handover of a wireless terminal. Furthermore, Applicant respectfully disagrees that Schuster and Willenegger are concerned with analogous arts as Schuster discloses error correction over the Internet and Willenegger is concerned with the implementation of

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multi-cast service in a wireless communication system. Therefore, Applicant respectfully submits that the combination of Willenegger and Schuster is improper. Applicant respectfully requests withdrawal of the rejection for at least these reasons. Dependent claim 19 which depends from independent claim 18 is allowable for at least the same reasons as independent claim 18.

Independent Claim 20 and Dependent Claims 21-23

Claim 20 is rejected under 35 USC §103(a) as being unpatentable over Willenegger in view of Strawczynski.

Applicant notes that Amendments have been made to claims 20-23 in order to clarify that the FEC codes are variable, thus providing the desired degree of robustness that corresponds to the service. As stated previously, neither Willenegger nor Strawczynski discloses varying the FEC code to provide a desired degree of robustness corresponding to the service. Therefore, for at least this reason, independent claim 20 is in condition for allowance.

Applicant respectfully requests withdrawal of the rejection for at least the above discussed reason. Dependent claims 21-23, which ultimately depend from independent claim 20, are allowable for at least the same reason as independent claim 20.

Independent Claim 24

Claim 24 is rejected under 35 USC §103(a) as being unpatentable over Strawczynski in view of Schuster.

The Office Action states that Strawczynski discloses the claimed feature of "(d) determining packet numbers that are associated with received packets of the second burst, wherein the packet numbers correspond to a transmitted packet ordering." Applicant respectfully disagrees, as the cited material of Strawczynski at Col. 6, lines 47-65 fails to disclose this feature. The cited material merely discloses construction of new information frames and

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forwarding of one frame based on the validity of the frames constructed. Neither Strawczynski nor Schuster discloses determining packet numbers for packet ordering. Therefore, for at least this reason independent claim 24 is in condition for allowance.

Applicant respectfully submits that the instant application is in condition for allowance. Should the Examiner believe that a conversation with Applicant's representative would be useful in the prosecution of this case, the Examiner is invited and encouraged to call Applicant's representative.

Respectfully submitted,

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